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CORRESPONDENCE

OF

JAMES STUART, ESQUIRE,

WITH

THE RIGHT HON. SPRING RICE, LORD AYLMER, AND OTHERS,

ON SUBJECTS

CONNECTED WITH HIS SUSPENSION AND REMOVAL FROM THE OFFICE OF ATTORNEY GENERAL OF LOWER CANADA.

No. I.

Letter from LORD HOWICK to J. STUART, Esquire, dated the 22d March, 1833.

Downing-street, 22d March, 1833.

SIR,—In reference to the printed letter, addressed by you to Viscount Goderich, dated the 16th instant, I am directed by his Lordship to acquaint you, that he does not find in that letter, or in the documents subjoined to it, any reason to depart from the decision which I have already had the honour to communicate to you, respecting the proceedings which terminated in your removal from the office of Attorney General of Lower Canada.

I am, Sir,
Your most obedient servant,
(Signed)

HOWICK.

James Stuart, Esquire.

No. II.

Letter from J. STUART, Esquire, to the Right Hon. EDWARD G. STANLEY, His Majesty's Secretary of State for the Colonies.

London, Osborne's Hotel, Adelphi, April 18.

SIR,—In several letters addressed to Lord Viscount Goderich, His Majesty's late Secretary of State for the Colonies, bearing date respectively the 31st December, 25th February, and 16th March last, it has been made a subject of complaint, on my part, that his Lordship, when called upon to determine on certain charges of the Assembly of Lower Canada, against me, substituted other charges, proceeding from himself, on which he grounded my removal from the office of Attorney General for that province, without affording me an opportunity to defend myself against, and disprove, these new charges. The injustice to which I have been thus subjected, has been represented by me to be the greater, inasmuch as the charges of his Lordship involve groundless imputations on my character, which have been erroneously advanced by his Lordship, and which, if an opportunity be afforded, may be easily refuted and disproved. In adverting to the latter part of the correspondence between his Lordship and myself, you will observe, that the subject in difference has been narrowed down to a single point, namely, as to the charges of his Lordship being, or not being, the same charges as those of the Assembly. His Lordship, you will perceive, withholds the relief prayed for, on the single ground, that the charges are the same; thus virtually admitting (as, indeed, he could not deny,) my right to be heard on them, if his charges be new, and different charges from those of the Assembly. On this point, the explanations contained in my letter of the 16th March last, are, I apprehend, conclusive, in establishing that the charges of his Lordship are charges, against which I was never called upon to defend myself, and so essentially different from any charges preferred by the Assembly, or any imputations advanced by its committee, as to entitle me, in reason, and on the plainest principles of equity, to be heard on them, in justification of my conduct. I have sought, and seek, no favour from His Majesty's Government—I solicit merely justice, as respects my character, which, during a long public life, was unassailed, even by slander, till the recent malicious and vindictive attacks on it, within the colony, to which I have become obnoxious, by the faithful and honest discharge of public duty; and except, in so far as his Lordship's groundless imputations are calculated to affect it, my reputation continues, as it always has been, unsullied. To solicit at the hands of a government, which I have meritoriously served, that I may not be made unjustly to suffer, in that which is more estimable than life itself, by a condemnation without a hearing, is assuredly to ask a small and limited measure of justice, which no government, consistently with its duty, and without manifest oppression, could, or can, intentionally refuse. In consequence of some misapprehensions in Lord Goderich's mind, on this subject, I must presume, that my present appeal has become necessary; unless under the influence of error, his Lordship could not intentionally have withheld the relief which has been solicited.

Having the fullest confidence in your disposition and ability to award redress, where it is justly called for, within the important department lately confided to your care, I beg leave, most respectfully, to request your attention to the correspondence above mentioned, and to entreat, that I may be afforded an opportunity to exonerate my character from the unfounded imputations to which I have been subjected, without a previous hearing, and without any opportunity for self-defence or justification.

I have the honour to be, Sir,
With great respect,
Your most obedient humble servant,

J. STUART.

The Right Hon. Edward G. Stanley, &c. &c. &c.

No. III.

Letter from Mr. Under Secretary HAY, to J. STUART, Esquire, dated May 3, 1833.

Downing-street, 3d May, 1833.

SIR,—With reference to your letter of the 18th ult., and to the documents therein enclosed, I am directed by Mr. Secretary Stanley to acquaint you, that having perused, with much attention, the documents which you have submitted to him, he is of opinion, that the explanations which you have offered on the points adverted to are satisfactory, as far as he has thought it necessary to examine them; and it would, perhaps, have been desirable, that the considerations which they suggest should have been before the Earl of Ripon, when first the subject was under his Lordship's notice. I am desired, however, to add, that Mr. Stanley does not see sufficient grounds to warrant him, in the present state of circumstances, in re-opening the investigation into points which have incidentally arisen, or in interfering with the decision adopted, and finally carried into execution in your case.

I am, Sir,
Your obedient servant,

R. W. HAY.

J. Stuart, Esquire.

Letter from Mr. Under Secretary HAY to J. STUART, Esquire, dated May 3, 1833.

Downing-street, 3d May, 1833.

SIR,—With reference to my letter of this day's date, acquainting you with the decision to which Mr. Secretary Stanley had come on your representations respecting your removal from the office of Attorney General in Lower Canada, I am directed by Mr. Stanley, as it is possible that you may be desirous of employment, to inform you, that the office of Chief Justice at Newfoundland is vacant, that should you wish it, Mr. Stanley would be willing to recommend you to His Majesty for the appointment.

I have the honour to be, Sir,

Your obedient humble servant,

R. W. HAY.

J. Stuart, Esquire.

No. V.

Letter from J. STUART, Esquire, to Mr. Under Secretary HAY, dated May 4, 1833.

London, Osborne's Hotel, Adelphi, May 4.

SIR,—I have been honoured with your letter of the 3d instant, in which, as being connected with the subject of another letter of the same date, Mr. Secretary Stanley has signified his readiness to confer on me the office of Chief Justice at Newfoundland. The offer of this judicial appointment, implying, as it does, in His Majesty's Government, implicit confidence in my probity and moral character, to the entire exclusion of any imputation on either, I have reason to deem, in a high degree, satisfactory; and I beg leave to convey, through you, to Mr. Secretary Stanley, my most grateful acknowledgements for it. The pecuniary emolument of this office is not, however, you will permit me to state, one-third part of that of which I have been lately deprived, and is greatly below the income to be derived from my professional practice. As a permanent provision, therefore, it is not calculated to fulfil the expectations I have had reason to entertain. My connexions and property, also, being in Canada, I could not, without superior advantages to those held out by the proposed appointment, renounce a residence in that country, to which I am bound by strong ties of attachment and interest. Unless, therefore, it should be consistent with the views of His Majesty's Government, to remove me to Lower Canada, as soon as a suitable official provision may be afforded to me in that province, I could not, without injury, accept the office of Chief Justice at Newfoundland. Whether His Majesty's Government, nevertheless, may or may not think proper to command my humble services in this manner, I shall not cease to appreciate most highly the honour done me by the offer of the proposed appointment.

I have the honour to be, Sir,

Your most obedient humble servant,

J. STUART.

R. W. Hay, Esquire, &c. &c.

No. VI.

Letter from J. STUART, Esquire, to Mr. Secretary STANLEY, dated 20th September, 1833.

London, Osborne's Hotel, Adelphi, September 20.

SIR,—I had anticipated with some confidence, from the tenor of the two letters of Mr. Under Secretary Hay, of the 3d May last, written to me by your desire, that, for the aggravated injury complained of by me, which is referred to in those letters, adequate reparation would be afforded. My expectations on this head, however, have been disappointed; and after the lapse of months, during which repeated communications have been had with the Colonial Department on this subject, I find myself in no degree advanced, in the attainment of the justice to which I am entitled. I deem it necessary, therefore, to bring under your notice, in a specific form, the grounds on which I have claimed, and continue to claim, reparation from His Majesty's Government, not as a matter of favour, but of equitable right. By the adoption of this course, which seems to be rendered unavoidable, any further doubt and uncertainty respecting the intentions of His Majesty's Government, in relation to this matter, will, at least, be obviated; and if my claim to reparation be rejected, I may hope also to be made acquainted with the reasons for its rejection. In the brief exposition I am about to make, I shall be anxious to state only what may be absolutely and indispensably necessary, for the purpose of this communication, in the most moderate and inoffensive terms, and without any the smallest infringement of the respect due to the high authority to which I have the honour of addressing myself.

As you are aware, the subject of my complaint originates in certain groundless charges of the Assembly of Lower Canada, on which the Governor of the province unadvisedly suspended me from office, without a hearing of any kind, and after his rejection of my application to be heard. Eighteen months were consumed in my endeavours to obtain the decision of the late Secretary of State for the Colonies on these charges, and also on certain imputations of a Committee of the Assembly, both of which refutations had been submitted by me. After this most unreasonable delay, the charges of the Assembly, as well as the imputations of its Committee, were found by the Earl of Ripon to be without foundation, and an express or virtual acquittal from them is established by Lord Howick's letter to me of the 26th November, 1832, with which you are acquainted. Instead of receiving the advantage of this acquittal, by reinstatement in office, you are also aware, that I was, on the contrary, removed from office, on certain new grounds of charge, or 'conclusions,' as they have been termed, specified in the same letter from Lord Howick. With respect to these new grounds of charge, I have reason to consider the two letters of Mr. Hay, above mentioned, as constituting an acquittal. It results, therefore, from this very brief specification of facts, that, as to the charges of the Assembly, and the imputations of its Committee, I stand acquitted, under the authority of Lord Ripon, while, as to the new charges advanced by his Lordship, as grounds for my removal from office, I have the benefit of your acquittal.

When the Governor of the province suspended me from office, I was in the receipt of a professional and official income of between four and five thousand pounds per annum, which from that moment ceased, and of which I have been wholly deprived. Two years and a half have elapsed, during which I have been absent, at the distance of three thousand miles from my home, employed in obtaining, in the first instance, an acquittal from the charges of the Assembly, on which I was suspended, and subsequently, in obtaining an acquittal from the new charges engrailed on these, by Lord Ripon. Besides the trouble, the insupportable vexation, inconvenience, and expense incurred in arriving at these results, I am already impoverished, by the mere cessation of income, to the amount of ten or twelve thousand pounds, and am to resume my professional pursuits, under the same disadvantages as if they were now to be commenced for the first time, with all the consequent diminution of income for the future.

The injury and losses, thus briefly adverted to, have been occasioned by the improper suspension from office, to which I was subjected by the Governor of the province, and by my subsequent removal from office, on grounds on which I had been condemned, unheard, and which have since been shown to be without foundation. Both these causes of injury, however unintentionally, have proceeded, either mediately or immediately, from His Majesty's Government; and as to both, therefore, I have a just claim on His Majesty's Government for reparation.

It would, I hope I may be permitted to mention, be strangely inconsistent with the character of His Majesty's Government, for justice, if, under the circumstances which have been stated, no redress, of the nature of reparation, were attainable. I forbear to enlarge on this topic, as being one on which it is impossible that honourable minds can differ in opinion, and respectfully trust, that my application for reparation will receive such consideration as it may be entitled to.

I have the honour to be, Sir,

With great respect,

Your most obedient humble servant,

J. STUART.

The Right Hon. Edward G. Stanley, &c. &c. &c.

No. VII.

Letter from Mr. Under Secretary HAY, to J. STUART, Esquire, dated September 27, 1833.

Downing-street, September 27.

SIR,—I am directed by Mr. Secretary Stanley to acknowledge the receipt of your letter of the 20th instant, and to acquaint you, that he does not feel himself called upon to enter into the merits of your case, as adverted to by you.

On his appointment to the Colonial Office, Mr. Stanley learnt that you were not employed in the public service: and although he did not feel at liberty to employ you in Canada, he conceived, that, by offering you the situation in Newfoundland, which was placed at your disposal, he gave sufficient proof of his opinion of your legal abilities, and that, in his estimation, your public character had not suffered from the circumstances which led to your removal from the office of Attorney General of Lower Canada.

I am, Sir,

Your most obedient servant.

R. W. HAY.

J. Stuart, Esquire.

R. W. HAY.

No. VIII.

Letter from J. STUART, Esquire, to Mr. Secretary STANLEY, dated September 28, 1833.

London, Osborne's Hotel, Adelphi, September 28.

SIR,—It is not without repugnance, that I add a line to the communications already made by me to the Colonial Department, with respect to the injustice and injury of which I have complained: enough, and more than enough, having been stated, to convince the most prejudiced mind on this head, and to render palpable the justice of my claim to reparation. I am, nevertheless, compelled, by the letter of Mr. Under Secretary Hay of the 27th instant, to vanquish this repugnance, in order to show, that the reasons assigned for a non-compliance with my claim, ought not to operate against it.

It is stated, in Mr. Hay's letter, apparently as a ground for withholding reparation, "that you do not feel yourself called on to enter into the general merits of my case, as adverted to by me." The general merits, briefly insisted on by me, consist of these few simple facts, namely, that all the charges of the Assembly, on which my suspension from office was grounded, and all the imputations of its Committee, have been expressly or virtually negatived by the Earl of Ripon, while acting as Secretary of State for the Colonies; that his Lordship, nevertheless, by a most extraordinary exercise of his authority, substituted a new set of charges of his own, on which, without affording me the opportunity of a hearing, or defence, he confirmed my suspension from office, which had been adopted on totally different grounds; that these new charges of his Lordship, on which I was condemned unheard, have, in their turn, been found, by His Majesty's present Secretary of State for the Colonies, to be satisfactorily answered by me; and that, therefore, I stand exonerated from the several charges on which as well my suspension, as my removal from office, have been predicated. In addition to these facts, and as a part of the merits adverted to, I have also represented the extent of the specific losses and injury occasioned by the two causes now mentioned. If these facts be true, and I presume their truth will not be questioned, a case of plain and evident injustice and injury, which is, I believe, of a character altogether unexampled, has been conclusively made out. Will His Majesty's Secretary of State for the Colonies, who is one of the constitutional dispensers of the justice of the crown, refuse his attention to such a case? Will he not, on the contrary, feel himself called upon, by an imperative sense of duty, to administer relief, and afford reparation, to the party thus injured? His Majesty's subjects, of every rank and degree, have a well-recognised right, secured by the highest sanctions, to the justice of the crown; and I persuade myself, there is no branch of his government, in which such a claim is less likely to be deliberately rejected, than the important department which has the advantage of your care.

It is also stated, in Mr. Hay's letter, as if operating against my claim of reparation, that the offer of a situation in Newfoundland was made to me; to which offer you were prompted, by finding me unemployed in the public service: and the inferences to be drawn from this offer, as to ability and character, are likewise mentioned. The offer in question, with all deference, I cannot but consider as the strongest confirmation (if confirmation were requisite in so plain a case) of my right to the reparation which is solicited, and as evidently importing an admission of that right. On this point, it is fit I should observe, that the letter conveying the offer was written with express reference to another letter of the same date, accompanying it, in which your opinion with respect to the new charges of the Earl of Ripon is expressed; and both letters, I apprehend, can be considered in no other light, than an answer to the representations and complaint which I had previously brought under your consideration. By the one letter, the admission of my claim to redress was implied, while, by the other, reparation, in a particular mode, was offered. If the proffered situation could have been considered as affording a substitute, or, indeed, any indemnity whatever, for the advantages of which I had been unjustly deprived, by suspension and removal from office, I should readily acquiesce in any bar or objection that could be derived from it to my present claim. But no person, acquainted with my professional advantages alone in Canada, without taking into account the large official emoluments of which I have been deprived, could have expected me to accept the situation. It would, therefore, I conceive, be most unreasonable to treat my non-acceptance of the situation in question, as constituting any bar or objection to my present application for reparation.

I have the honour to be, Sir,

With great respect,

Your most obedient humble servant,

J. STUART.

The Right Hon. Edward G. Stanley, &c. &c. &c.

No. IX.

Letter from Mr. Under Secretary HAY, to J. STUART, Esquire, dated October 5, 1833.

Downing-street, 5th October, 1833.

SIR,—I am directed by Mr. Secretary Stanley, to acknowledge the receipt of your letter of the 28th ult., in answer to that which I addressed to you, by Mr. Stanley's desire, the previous day; and I am to acquaint you, in reply, that Mr. Stanley is not aware that he has any means of affording you the reparation you desire.

I am, Sir,

Your most obedient servant,
(Signed)

R. W. HAY.

J. Stuart, Esquire, Osborne's Hotel, Adelphi.

No. X.

Note from J. STUART, Esquire, to Mr. Secretary STANLEY, dated the 7th October, 1833.

Mr. Stuart presents his most respectful compliments to Mr. Secretary Stanley. He has the honour to acknowledge the receipt of Mr. Hay's letter of the 5th instant, in which Mr. Stanley has been pleased to intimate to him, with reference to his letter of the 28th ult., that he is not aware, that he has any means of affording the reparation adverted to. Mr. Stuart would beg leave respectfully to suggest, that if Mr. Stanley would condescend to favour him with a personal interview, he flatters himself he could bring under the notice of Mr. Stanley such means of reparation as would receive his approbation. Mr. S. would be most happy to wait on Mr. Stanley, for this purpose, at any time he may be pleased to appoint.

Osborne's Hotel, Adelphi, 7th October.

N.B.—No answer having been received to the foregoing note, the following letter was written.

No. XI.

Letter from J. STUART, Esquire, to Mr. Secretary STANLEY, dated 14th October, 1833.

London, Osborne's Hotel, Adelphi, 14th October, 1833.

SIR,—I have been honoured with Mr. Under Secretary Hay's letter of the 5th instant, in answer to mine of the 28th ult., in which he informs me, that you are not aware that you have any means of affording me the desired reparation. It having, by this communication, I apprehend, become merely a question, as to the manner in which reparation is to be afforded, I persuade myself, that, with the high sense of honour and justice, and the great presiding ability, with which the Colonial Department, under your superintendence, may be presumed to be administered, much time need not elapse, before adequate means of reparation are found to be at your disposal. On this head, I beg leave respectfully to recal to your attention two memoranda, which I had the honour of submitting, through Mr. Under Secretary Hay, for your consideration, the one dated the 13th of July last, the other the 14th ultimo; in which suggestions were made, as to the means by which the reparation applied for might be obtained. Of these means, some are now subject to your authority, and at your immediate disposal: others are dependent

on contingencies. The former, being within your power, admit of application, at your pleasure; as to the latter, nothing, beyond the expression of your views, could, of course, be expected.

My long continued detention in this country, having the effect of adding largely to the great pecuniary losses I have sustained, I am most anxious to hasten my return to Canada, which has been delayed only, by what appeared to me, and, I presume, will be universally considered, a well-founded expectation, that reparation for the injury complained of, and admitted, would not be withheld. It will not, therefore, trust, be deemed an unreasonable request, on my part, to be informed, whether any of the means of reparation, suggested in the two memoranda above mentioned, or any other means which may hereafter be at your disposal, are likely to be applied to the purpose now adverted to.

I have the honour to be, Sir,

With great respect,

Your most obedient humble servant,

J. STUART.

The Right Hon. Edward G. Stanley, &c. &c. &c.

No. XII.

Letter from Mr. Under Secretary HAY, to J. STUART, Esquire, dated 25th October, 1833.

Downing-street, 25th October, 1833.

SIR,—I am directed, by Mr. Secretary Stanley, to acknowledge the receipt of your letter of the 14th instant, and to acquaint you, in reply, that Mr. Stanley does not feel himself at liberty to avail himself of any of the modes of restoring you to employment, in Lower Canada, which are pointed out in the memorandum, to which you refer; nor could he, with any propriety, engage to bestow on you the reparation to which you are understood to allude, in your note of the 7th instant.

I am, Sir,

Your obedient servant,

(Signed)

R. W. HAY.

J. Stuart, Esquire, Osborne's Hotel, Adelphi.

No. XIII.

Letter from J. STUART, Esquire, to Mr. Secretary STANLEY, dated the 28th October, 1833.

London, Osborne's Hotel, Adelphi, 28th October, 1833.

SIR,—I have been honoured with Mr. Under Secretary Hay's letter of the 25th instant, in which he informs me, that you do not feel yourself at liberty to avail yourself of any of the modes of restoring me to employment, in Lower Canada, which are pointed out in the memorandum referred to by me, and that you cannot, with any propriety, engage to bestow on me the reparation, to which I am understood to allude, in my note of the 7th instant.

It is to little purpose, no doubt, in an appeal to public authority, above control, to urge a claim to justice, where a determination to elude or defeat it by frivolous pretences and evasions, has been adopted. I have hitherto thought myself bound, by respect for His Majesty's Government, as administered through your hands, to presume its intentions to be honourable and just, and have, therefore, persisted in pressing on your attention my unquestionable right to reparation; being resolved that it shall be ascertained by the result, whether this presumption be true or false—whether His Majesty's justice be merely an expression without meaning, to be dispensed with and violated at pleasure, or whether it be an active efficient principle of His Majesty's Government, in which his colonial subjects may confide, and under which they may be securely sheltered from oppression. In common with my colonial countrymen, it has, perhaps, been an error in me to understand and rely on English justice, in the latter sense. If, according to the vocabulary of the English Government, as now constituted, it is to be understood in the former, it is most expedient, that this fact should be practically ascertained; and the result of my application, on this occasion, for reparation for unexampled injustice, is well calculated to determine in which of these two senses the expression, in practice, is understood, by His Majesty's present Government. Colonial officers may be hence enabled to estimate, beforehand, the fate which awaits them, under circumstances similar to those in which I have been placed, and may regulate their conduct accordingly. Colonists, in general, also, will be qualified to judge of the degree of reliance, to be placed on, what is called, His Majesty's justice.

Whatever may be your final decision on this subject, it is incumbent on me respectfully to represent that I am wholly unaware of any just or reasonable grounds, on which you could feel yourself "not at liberty" to afford me reparation, by means of one or other of the official appointments suggested in my memorandum of the 13th July last. The appointments are either at present, or may be expected to be speedily, at your disposal. No personal unfriendliness in me, for any of them, I presume, is intended to be insinuated, by the expression now adverted to. If not, why is it, I may be permitted to ask, that you are not at liberty to grant me reparation, through the medium of one or other of these appointments? You cannot, certainly, by this general form of expression, have intended to conceal or insinuate motives, which you are unwilling to express. Such dissingenuousness cannot be supposed. Until you may be pleased to intimate, what is to be understood by your not being "at liberty" to award justice, in any of the modes proposed, I hope I may be allowed to assume, that certain considerations, to which I am about to allude, have not influenced you in this determination. To the injustice of which I have complained, and of which I have solicited reparation, there have been three parties: the Assembly of Lower Canada, the Governor of the Province, and His Majesty's late Secretary of State for the Colonies. The first of these parties, it matters not for what causes, or under the influence of what feelings, advanced certain accusations against me, which have been proved to be groundless, and from which an express or virtual acquittal has been obtained. The second of them suspended me from office, under circumstances which, it has been ascertained and determined, did not warrant that measure, and even rendered it culpable. The third of these parties, when invested with the character of a judge, assumed that of an accuser, and removed me from office, on a new set of charges of his own, on which I was condemned unheard, and which have since been shown, and are admitted, to be groundless.—As affecting the reparation to which I am entitled, these three parties, if admitted to a voice on the occasion, ought, in honour, from a sense of moral obligation, and it is, therefore, to be presumed, would lend their support to its attainment. To suppose the contrary, would imply in them motives of conduct, which they would indignantly disclaim, and which cannot, therefore, for an instant, on such a question, be presumed, or acted on. It cannot certainly, therefore, be with any reference to any of these three parties, that you do not feel yourself at liberty, to afford me reparation, by means of one or other of the appointments in question. It would be alike discreditable to them, as to the high office which you fill, to imagine that this reparation could be withheld, on account of any adverse feelings, which they might be thought to entertain, or any deference, on your part, for such supposed feelings. It must, therefore, I presume, be assumed, that no considerations, such as those now alluded to, can have operated on your mind, as a restraint or impediment, in the way of justice.

There is another mode of reparation, also adverted to in Mr. Hay's letter, as to which you are pleased to state, that you could not, with "any propriety," engage to bestow on me such a reparation. The mode of reparation, suggested by me in a memorandum, dated the 14th ultimo, and thus rejected, was a grant of the waste lands of the crown, by which the great pecuniary losses, to which I have been unjustly subjected, might, at least, in part, have been repaired. I am really altogether unable to conceive, why this mode of reparation should be rejected, as inconsistent with "propriety." The obligation on the part of His Majesty's Government to make reparation, in some form or other, being conceded, in what more easy, satisfactory, and less expensive mode, as respects the Government, could it be fulfilled, than by a grant of the waste lands in Canada? The lands are of little or no value, in the hands of the Crown, and have been, from time to time, given away gratuitously, even where the grantees had no claim whatever on the Government. If a portion of them were granted to me, they would be so granted, subject to the conditions of settlement and cultivation, in fulfilment of which my capital and industry must be employed, in the improvement of them. By this mode of reparation, therefore, a debt of justice, incurred by the Crown, would, at least, in part be satisfied, not only without any expenditure on the part of the Crown, but with positive advantage to the public. This mode of reparation, also, would not be novel; it has, on numerous occasions, been applied, as an indemnification and remuneration to His Majesty's servants, having claims on the Government; and, in a case analogous to mine, but in which no pecuniary losses, requiring reparation, had been sustained, it was adopted, by one of your predecessors in office, certainly without any idea of impropriety annexed to it. To reject, upon further consideration, therefore, such a mode of reparation, would imply a determination not to grant any reparation at all; and the rejection, if persisted in, can, I presume, admit of this construction only, and of none other.

Without detaining your attention any longer on the points mentioned in Mr. Hay's letter, I shall only further observe, that my claims on the justice of His Majesty's Government, as well as the means of satisfaction at your disposal, have long since been brought under your notice, clearly and distinctly; and it remains with you to determine, whether these claims, in the modes suggested, or in any other fit mode, shall be satisfied or not,

I am, Sir,

Your most obedient humble servant,

J. STUART.

The Right Hon. Edward G. Stanley, &c. &c. &c.

Letter from JAMES STUART, Esquire, to the Right Hon. SPRING RICE, Secretary of State for the Colonies, dated 2d July, 1834.

London, Osborne's Hotel, Adelphi, July 2.

SIR,—Intending to leave town, in a few days, on my return to Canada, I am unwilling to take my departure, without first soliciting your attention to the correspondence which has taken place, between His Majesty's late Secretary of State for the Colonies and myself, on the subject of my removal from the office of Attorney General of Lower Canada, which I do myself the honour to transmit herewith, in a printed form, as facilitating the perusal of it. From the tenor of this correspondence, you will perceive, that the only point remaining undetermined between His Majesty's Government and myself, is the reparation to be afforded me for the injury I have sustained. On this head, I forbear to enter into particulars, as they are sufficiently disclosed in the correspondence now referred to. I will only beg leave to observe, that the case, in its circumstances, is one of unexampled injustice and hardship, in which the honour and justice of His Majesty's Government would equally require that redress should be offered to the party injured.

I have the honour to be, Sir,

With great respect,

Your most obedient humble servant,

J. STUART.

The Right Hon. Spring Rice, &c. &c. &c.

Letter from the Right Hon. SPRING RICE, to J. STUART, Esquire, dated 10th July, 1834.

Downing-street, 10th July, 1834.

SIR,—I am directed by Mr. Secretary Spring Rice, to acknowledge the receipt of your letter, of the 2d instant, soliciting Mr. Rice's attention to the correspondence which has taken place, between His Majesty's late Secretary of State for the Colonies and yourself, on the subject of your removal from the office of Attorney General of Lower Canada.

In reply, I am desired to acquaint you, that Mr. Spring Rice sees no reason to re-open this case, upon which the judgment of his predecessors has been already taken; and he cannot concur with you in thinking, (after a careful examination of the papers,) that the only point left undetermined is the reparation for the injury which you state to have been inflicted upon you.

I am, Sir,

Your most obedient servant,

(Signed)

R. W. HAY.

James Stuart, Esquire

Letter from J. STUART, Esquire, to the Right Hon. SPRING RICE, dated 11th July, 1834.

London, Osborne's Hotel, Adelphi, 11th July, 1834.

SIR,—I have been honoured with Mr. Under Secretary Hay's letter of the 10th instant, in which, with reference to my letter of the 2d instant, you are pleased to intimate, that you see no reason to re-open the case referred to, and that you cannot concur with me, in thinking that the only point left undetermined, is the reparation for the injury which I have stated to have been inflicted on me.

At the stage which the correspondence between the Colonial Department and myself had reached, before I had the honour of addressing you, I had imagined that, with your answer in the affirmative or negative, to my application for reparation, it would have terminated. No new ground of objection or resistance, to this most just demand, was, or I think reasonably could have been, anticipated. In this I have been greatly disappointed. From the terms of Mr. Hay's letter, it becomes indispensably necessary, in vindication of my character, that I should solicit from you the favour of some explanation as to the points, other than that of reparation, to which you refer, as being still undetermined. In the correspondence submitted to your consideration, you will have observed, that when Mr. Secretary Stanley became charged with the Colonial Department, it was made by me a subject of renewed complaint, in a letter dated the 18th April, 1833, that Lord Goderich, when called upon to determine on certain charges of the Assembly of Lower Canada against me, had substituted other charges, proceeding from himself, on which he grounded my removal from office, without affording me an opportunity to defend myself against, and disprove these new charges, of which a refutation accompanied my complaint. In the same letter, Mr. Stanley's attention was called to that part of the correspondence, by which the subject in difference between Lord Goderich and myself was narrowed down to one single point, namely, as to the charges of his Lordship being, or not being, the same charges as those of the Assembly; on which point my right to a re-consideration of the decision of Lord Goderich had been made to depend. Upon this view of the case, Mr. Secretary Stanley, in a spirit of justice, in the highest degree honourable to his character, did not hesitate to apply his attention to the charges on which my removal from office was grounded, and did me the honour to convey to me his determination, in two letters from Mr. Under Secretary Hay, dated respectively the 3d May, 1833. These letters, I presume, can receive no other construction, than that of importing an acquittal from the charges of Lord Goderich, with which determination alone the offer, contained in one of them, of the highest judicial office in one of His Majesty's Colonies, could be deemed compatible. This being the import of the letters now referred to, the necessary consequence, I apprehend to have been, that one point only remained to be adjusted between the Colonial department and myself, namely, the reparation due to me for the injury I had sustained; and, on this point, you will observe, that my correspondence with the Colonial Department, between the date of the letters last mentioned and the 28th October last, exclusively turned. Upon a perusal of this part of the correspondence, you will, I persuade myself, find conclusive reasons for concurring with me, in thinking, that the only point left undetermined by Mr. Secretary Stanley, was the reparation for the injury which had been inflicted on me.

A re-opening of the case, to which you advert, is not, you will permit me to observe, under existing circumstances, required at my instance, or on my behalf. If my removal from office had taken place on the charges of the Assembly, a re-consideration of that determination would have required a re-opening of the case; but, from the charges of the Assembly, I have been expressly or virtually acquitted by Lord Goderich himself, and, therefore, as to these, neither a re-opening, nor a re-consideration, of the case is necessary. With respect to the charges of Lord Goderich, a re-opening of the case is, I apprehend, alike unnecessary, inasmuch as these charges have received the determination of his successor in office, as already mentioned. While I thus establish, however, that a re-opening of the case, in the state in which you have found it, is altogether unnecessary, to sustain my application for reparation, you will permit me further to observe, that, if deemed desirable by you, nothing would be more agreeable to me, than a re-opening of the case, and the fullest investigation of any and every point on which you could desire it. My complaint throughout the vexatious proceedings in question, has been, that I have been condemned, unheard, on groundless charges, and the more severe the scrutiny into them, therefore, the more agreeable to me. But, as already explained, I am not in a position to require that I should solicit a re-opening of the case, to entitle me to the reparation claimed by me. The wrong I have sustained is established, and stands admitted by your predecessor in office, in the correspondence to which I have called your attention, and reparation I apprehend to be a necessary consequence under a Government professing to act justly towards its subjects. These considerations are respectfully submitted, as warranting the terms in which I had the honour of addressing you, in my letter of the 2d instant, and may, probably, be sufficient to satisfy you, that the question of reparation is now the only point remaining undetermined, between the Colonial Department and myself. But if a different construction be put by you on this subject, and if there be any points remaining undetermined, which, in your opinion, constitute an impediment in the way of my claim of reparation, I entreat, as an act of justice due to me, that I may be made acquainted with them.

I have the honour to be, Sir,

With great respect,

Your most obedient humble servant,

(Signed)

J. STUART.

The Right Hon. Spring Rice, &c. &c. &c.

Letter from Mr. Under Secretary HAY, to J. STUART, Esquire, dated July 17, 1834

Downing-street, July 17.

SIR,—I am directed by Mr. Secretary Spring Rice, to acknowledge the receipt of your letter of the 11th instant, and to acquaint you that however unwilling he may be to prolong the correspondence, on a subject which he did not wish to re-open; yet he cannot help observing that you have, in his opinion, adopted an erroneous view of the course taken by Mr. Stanley, in deciding on your case. It would appear that Lord Ripon considered that the report made by the Law Officers of the Crown on the charges brought against you by the Assembly of Lower Canada, left him no option in regard to your removal from the office, which you had filled in that province; and although it is quite true, that by directions from Mr. Stanley, the offer was made to you, of one of the highest judicial appointments in one of His Majesty's Colonies, yet Mr. Spring Rice cannot discover, after a careful examination of the correspondence which has taken place on this subject, that this offer was intended as reparation for injuries, which you considered to have been done to you, and still less that any condemnation of Lord Ripon's former decision was implied by that offer. Under these circumstances, you will perceive that it is impossible for Mr. Spring Rice to admit, that the question of reparation is now, as you assume, the only point remaining undetermined between the Colonial Department and yourself.

I have the honour to be, Sir,

Your obedient humble servant,
(Signed)

R. W. HAY.

J. STUART, Esquire.

Letter from J. STUART, Esquire, to the Right Hon. SPRING RICE, dated the 28th July, 1834.

London, Osborne's Hotel, Adelphi, 28th July, 1834.

SIR,—I have been honored with Mr. Under Secretary Hay's letter dated the 17th, but which did not reach me till the 19th instant. At that time I was labouring under severe indisposition, the continuance of which has hitherto prevented me from acknowledging the receipt of Mr. Hay's letter, and I am now only sufficiently convalescent to do so.

It is sometimes difficult to obtain a plain answer to a very plain question; though, in such cases, the motives for mystification and obscurity, are for the most part sufficiently obvious, and rarely creditable. My letter of the 11th instant, I had supposed, submitted to you a question of this description, and your answer I had hoped would have enabled me to bring this correspondence, which, I assure you, not less irksome to me than to yourself, to an immediate conclusion. I had stated to you, in all the simplicity and confidence of truth, and I believe, with the most perfect accuracy, that the only point remaining undetermined between the Colonial department and myself, was the reparation to be made to me, for the injury and injustice of which I complained, and to this point I called your attention. In your answer, you intimate, to my surprise, that in your opinion reparation is not the only point which remains undetermined; thus giving it to be understood, that there are other points, and leaving it uncertain what these may be. In my letter of the 11th instant, I complain of this uncertainty, which may give occasion for inferences injurious to my character, and I request to be made acquainted with the points to which you refer, as being undetermined. Surely, Sir, under the influence of candour, and in a spirit of fair dealing, a plain and distinct answer was due from you, to this question. But in truth, no answer whatever to it has been given by Mr. Hay's letter of the 17th instant. You digress into topics connected, indeed, with the subject, but which, taken in conjunction with the rest of the case, so far from warranting, as you would insinuate, any conclusion adverse to my claim for reparation, do in reality fortify and confirm it, and which, though they might serve the purpose of diverting attention from this claim, do certainly supply no answer to my question. These topics I shall beg leave to notice, in the order in which they are found in Mr. Hay's letter. "It would appear," you state, "that Lord Ripon considered that the report made by the Law Officers of the Crown, on the charges brought against you, by the Assembly of Lower Canada, left him no option in regard to your removal from the office which you had filled in that Province." Now, Sir, this proposition is entirely immaterial, and irrelevant to the question of reparation. How can the claim of the injured party, I would ask, Sir, be affected by the motives of Lord Ripon, apart from the grounds assigned for the measure complained of? Of what consequence is it, as to such a claim, whether Lord Ripon deferred, properly, or improperly, to the opinion of the Law Officers of the Crown, without the exercise of his own judgment? Whether he rendered himself a mere passive instrument in their hands, or not? On this head, the only subject for consideration, was the grounds of charge assigned by Lord Ripon, as taken by him no doubt from the report of the Law Officers. Were those grounds of charge new accusations, against which the party accused was never called on to defend himself, and on which he was condemned unheard, and were they, moreover, false and unfounded? It is on these points, Sir, that Mr. Stanley's judgment was exercised, and his decision conveyed to me in his two letters of the 3d May, 1833. The report of the Law Officers of the Crown could now be material only to Lord Ripon himself. If his Lordship's conduct were made the subject of Parliamentary investigation, he would, no doubt, find it convenient to refer to this report, for the justification, or palliation of his conduct; otherwise, and in the present posture of the affair, I am not aware of any other purpose to which the report can be beneficially applied. But it is proper, Sir, that I should further state, that the proposition now adverted to, as advanced in Mr. Hay's letter, is not only immaterial, but is also, I apprehend, incorrect. Lord Ripon, as Secretary of State for the Colonies, was the responsible adviser of the Crown, on charges proceeding from Colonial Assemblies; he might, or might not, avail himself of the advice of the Crown officers; he might decide in conformity with, or contrary to their advice, or he might, if he disapproved or doubted the correctness of it, refer the matter, under his Majesty's authority, to a Committee of His Majesty's Privy Council. It is not, therefore, I conceive, correct to state, as is done in this proposition, that Lord Ripon, on the report of the Law Officers, was left no option, in regard to my removal from office. His Lordship, it appears to me, had his judgment to exercise, and ought to have exercised it. This, I apprehend, was his Lordship's duty, if the Law Officers of the Crown had limited themselves, as they ought to have done, to the charges of the Assembly, on which alone they must have been required to report their opinions. But these functionaries having, as I conceive, most unwarrantably assumed the character of accusers, when acting merely as assessors to the Secretary of State—having framed charges, instead of offering their advice on those already preferred—having advised Lord Ripon, it would appear, to condemn me on these new charges, thus secretly connected, without a hearing; it became, not merely incumbent, but absolutely imperative on his Lordship, in fulfilment of the first and most sacred principles of justice, not to act on these new charges without first making the party accused acquainted with them, and receiving his explanations or answers to them. This, I apprehend, was the course which his Lordship, not as being a matter of option, but as being of the most indispensable obligation, ought to have pursued: if adopted, it would have saved a meritorious public servant of the Crown, of unblemished character, from revolting injustice and the most unmerited injury; while the credit and honor of his Majesty's Government would have been preserved unsullied.

The second of the topics above adverted to, is expressed in these words—"And although it is quite true, that, by directions from Mr. Stanley the offer was made to you, of the highest Judicial appointment in one of His Majesty's Colonies, yet Mr. Spring Rice cannot discover, after a careful examination of the correspondence on the subject, that this offer was intended as a reparation for injuries, which you considered to have been done to you, and still less that any condemnation of Lord Ripon's decision, was implied by that offer." Upon a perusal of this paragraph in Mr. Hay's letter, I cannot but be apprehensive, that notwithstanding the careful examination, which you have twice stated that my correspondence with the Colonial department, has had the advantage to receive at your hands, a one-sided vision from some cause or other, has, nevertheless, been applied to it; so that with the best possible intentions, no doubt, on your part a disjointed, partial, and consequently incorrect view of it has been taken. As evincing this, you look only at one of the two letters, dated the 3d May, 1833, in which the offer of the Chief Justiceship of Newfoundland is contained, and because you do not find it expressly stated, that the offer was made as a reparation for injuries, you profess to be in the dark, as to the true motive for the offer. Now, Sir, if you will condescend to take the trouble to read the letter of the same date, to which that now adverted to expressly refers, and which, from the nature of the subject matter, must have been first written, you will perceive, that this letter imports a clear acquittal from the new charges of Lord Ripon, evidently expressed in tenderness towards his lordship, and couched in terms to be as little disagreeable to him as possible. If, as stated in this letter, my explanations in answer to Lord Ripon's charges, in the opinion of His Majesty's Secretary of State, were satisfactory, the charges themselves must, in his opinion, have been groundless, inasmuch as a valid charge, and a valid defence to it, cannot co-exist. If, then, in Mr. Secretary Stanley's opinion, the charges of Lord Ripon were groundless, he must have been of opinion that my removal from office, on these charges, was unjust and improper. A necessary consequence ought to have been my re-employment in the office from which I was removed; but this consequence Mr. Stanley obviates, by stating, in the conclusion of his letter, that he could not interfere in this particular with Lord Ripon's decision, which had been finally carried into execution. Here, then, Sir, are two letters written on the same subject, and on the same day, and transmitted by the same hands and at the same time; in the one, a grievous wrong and injury is admitted to have been done, by an unjust removal from office—and in the other, with express reference to that wrong, a higher office, in another colony, is proposed to the injured party. It would be trifling, Sir, with your understanding, and I should think very discreditably to my own, if I were to enter into any formal reasoning to prove, that from the acts and communications of Mr. Secretary Stanley it is to be inferred that reparation was intended by him in offering to me the Chief Justiceship of Newfoundland. But upon this point irresistible evidence also might have been found by you, in that part of the correspondence which occurred subsequently to the 3d May, 1833, by which you will perceive that a protracted negotiation was carried on, during several months, not to determine whether I was entitled to reparation, but with a view to the adjustment of it. In the letters bearing date in September and October, 1833, you will find, that the mode of making reparation was alone in question, and that while the right to it was admitted, the want of means, at his disposal, was the only reason assigned by Mr. Secretary Stanley for withholding it. In the concluding part of the paragraph above quoted it is said, that you do not discover that any condemnation of Lord Ripon's decision was implied by the offer which has been adverted to. The offer, as already mentioned, is to be tak-

en in conjunction with the letter which accompanied it, and as I have already mentioned, there can be no doubt that the letter imports an acquittal from the new charges of Lord Ripon, on which my removal from office had taken place. In this no condemnation is passed on Lord Ripon. His lordship decided on grounds of charge as to which the party accused had not been heard in his defence; he subsequently obtained a hearing, and his defence was held to be valid. The cause of the contradiction in the decisions of Lord Ripon and Mr. Secretary Stanley is, therefore to be found in this simple circumstance, that the former on his own charges, condemned without a hearing, and the latter, after a hearing, acquitted. This, Sir, though a brief, you will find a very correct exposition of the part of the case to which you advert. Having thus, Sir, gone over the topics which you have thought it necessary to introduce into Mr. Hay's letter of the 17th instant—I must beg leave to recur to the object of this as well as of my letter of the 11th instant, which is to obtain a specification of the points to which you refer, as being still undetermined, and as constituting an objection to my claim of reparation. I shall feel much gratified by an early communication from you on this subject.

I have the honour to be, Sir,

Your most obedient humble servant.

J. STUART.

To the Right Hon. Spring Rice, &c. &c. &c.

No. XIX.

Letter from Mr. Under Secretary HAY, to J. STUART, Esquire, dated July 31, 1834.

Downing-street, 31st July, 1833.

SIR,—In answer to your letter of the 28th instant, I am directed, by Mr. Secretary Spring Rice, to acquaint you, that in the communication addressed to you on the 17th instant, he was only desirous to prevent you from remaining under what appeared to him an erroneous impression, as to the exact position in which your case had been left by his predecessor; but that he never intended, nor does he now feel called upon himself to re-open the case.

I am, Sir,

Your most obedient servant,

R. W. HAY.

To J. Stuart, Esquire.

NO. XX.

Letter from J. STUART, Esquire, to the Right Hon. SPRING RICE.

London, Osborn's Hotel, Adelphi, August 4, 1834.

SIR,—In acknowledging the receipt of Mr. Under Secretary Hay's letter of the 31st ult., I regret to be driven to the necessity of expressing myself in plainer and harsher terms than I could wish to employ, but which are required by the occasion. After the fruitless, though conclusive, explanations which have been given, it does appear to be alike impracticable, in this case to extract justice from the Colonial Department, or an intelligent reason for the withholding of it. With a determination to resist a claim you know to be just, a set of expressions, devoid of meaning, have been opposed to it, which could only serve the purpose of mere evasion; it has been in vain to shew that they have no application to this case, and are words only—you still cling to them, as a pretext for persisting in what you must be aware is palpable injustice. Thus, Sir, you say, you never intended, and were not called upon, to re-open the case. Pray, Sir, who has asked you to re-open it? On my part, I rest on an acquittal, which has closed the case, and solicit reparation as a consequence—though, as I have already stated to you, nothing could be more agreeable to me than a re-opening of the case, if you should desire it. It is only by a re-opening of the case, you could be relieved from the immediate obligation which the acquittal has imposed on you. And yet, Sir, with a confidence that might be better applied, you continue to repeat that you decline granting any reparation, because you will not re-open the case; that is, if expressed intelligibly, because you are resolved that the acquittal shall remain in undisturbed force, and that reparation shall be, as it now is, an indispensable obligation on the part of his Majesty's government. Is not this language similar to that of a debtor, who, being pressed for payment of a debt due on a judgment, should refuse payment, and assign as a reason for his refusal, that he would not re-open the case—that he would not take steps to set aside the judgment: this being precisely the reason which ought to induce an immediate payment of the debt. Is not such language, Sir, repugnant to reason, and offensive to common sense?

The other ground on which, in the first instance, you declined reparation, namely, an insinuation that there were other points undetermined, you now abandon—although pressed in my letters of the 11th and 28th ult. to specify such points, if there were any, you are silent on this subject in your last letter. Was it consistent, Sir, with reason or justice, or the feelings by which gentlemen, and more particularly those in elevated official situations, ought to be governed, to make such an insinuation without cause? Is it not monstrous aggravation of the injustice inflicted on me, that you should have made such an insinuation?

Upon this view of Mr. Hay's last letter, I am, I think, justified in stating, that on the only ground on which you have persisted in withholding reparation, you are brought to that delectable pass, the *reductio ad absurdum* which precludes further argument. I do not, however, Sir, promise myself any advantage from this circumstance. Your determination to withhold reparation has been adopted, I take it, on considerations having relation to a weak and incompetent Governor and his ill-conducted administration, which it would be discredit to his Majesty's government even to insinuate. The grounds actually assigned have been mere pretences:—Driven from these, and convinced against your will, you continue, no doubt, according to an old adage, to be of the same opinion still. Although it would be idle to press on you, further, a claim of justice which you are resolved to defeat—the claim of justice is not extinguished, and may, as well as your conduct in relation to it, be made a subject of investigation in another department of the government. I would wish you not to infer, therefore, from my return to Canada, to which I am compelled by the inconveniences resulting from a prolonged absence of three years, that I renounce this ulterior recourse. However unsuccessful a claim of justice, addressed to the executive authority of the state, has proved, it would be disgraceful to the country itself to suppose it could have the same fate, when brought under the consideration of that branch of the Legislature emanating immediately from the people, whose peculiar province it is to afford redress for the excesses and abuses of power, and which, in its present reformed condition, is known to possess all its energies.

I have the honour to be, Sir,

With much respect,

Your most obedient humble servant,

(Signed)

J. STUART.

To the Right Hon. Spring Rice, &c. &c. &c.

XXI.

Letter from his Excellency LORD AYLMER to JAMES STUART, Esquire.

Castle of St. Lewis, Quebec, December 14, 1833.

SIR,—The public prints of this province have given a widely extended circulation to a letter dated, "London, Osborn's Hotel, Adelphi, January, 1833," stated to have been addressed by you to Viscount Goderich, late Secretary of State for the Colonial Department, in which the following expressions occur, having reference to your suspension from office, as Attorney General of this province.

—"under a singular misapprehension of his duty, real or feigned, and upon grounds, of which he (the Governor) either did, or ought to have known the insufficiency."

The forbearance with which I have treated the animadversions of individuals, when discussing my administration of the government of this province, affords abundant proof of my powers of endurance; but those powers of endurance have their limits—and although I can overlook many objectionable expressions, provided they are strictly applicable to my public character and conduct, I cannot suffer to pass, unnoticed, any that are calculated to affect injuriously my private character, as a member of society.

The expressions above quoted are unquestionably of the latter description.

I know not, nor does it belong to my present purpose to enquire, by what rule or standard my proceedings on the occasions in question should, according to your judgement, have been regulated; and had you confined yourself to a positive assertion that I had, in fact, misapprehended my duty, on that occasion, or that the grounds upon which I acted were, in fact, insufficient—I should not have considered myself called upon to complain of any such positive assertion, because, even admitting it, for the sake of argument, to have been perfectly true, my relations with society would not have been thereby injuriously affected. The correctness of my judgement might, perhaps, have been called in question, but not the integrity of my character. But what I do complain of, or rather that against which I do now most decidedly protest, is this, that in advertently to my act, performed in the discharge of my public duty, as Governor of this province, you should have gone out of your way, to assail

my private character; for, if it were true that I were capable of feigning misapprehension of my duty, or of acting upon grounds, the insufficiency of which I was acquainted with, for the accomplishment of any, no matter what purpose, I must not only be unworthy to associate with men of honour, but I must, in that case, be so totally devoid even of common honesty, as to deserve to be banished from society altogether. I cannot therefore, permit myself to doubt that, upon a calm review of the expressions quoted above from your letter to Viscount Goderich, you will explicitly disavow the extraordinary imputations, affecting my character as a member of society, which these expressions convey; and, accordingly, I abstain from all further remarks upon them, and subscribe myself,

Sir,
Your most obedient humble servant,
(Signed)

AYLMER.

James Stuart, Esquire,

XXII.

Letter from JAMES STUART, Esquire, to his Excellency LORD AYLMER.

Quebec, November 21, 1834.

MY LORD,—A letter from your Lordship, addressed to me, dated the 14th December 1833, was put into my hands, on the occasion of a visit some days since, to Montreal; and I now avail myself of the first moment of leisure, since my return, to convey to you my answer. Your Lordship professes to have taken umbrage, at a paragraph in a letter from me to Viscount Goderich, to which, in the copies of it circulated in the newspapers of this province, the date of January, 1833, was given, but of which the real date was the 25th February, 1833. Where a tortuous, deceptive course of action is pursued, in a high official situation, persons injuriously affected by it are not likely to mistake its character. I never entertained a doubt of the motives by which you were actuated, in suspending me from office; and if I omitted, in my communications to Lord Goderich, previous to that now mentioned, to express my opinion of them, it was, from the consideration that the redress I sought was due to me on the ground of the impropriety and injustice of the act itself, whatever might be your real motives for it, respecting which, therefore, from a sense of propriety, I observed silence. But when I addressed to Lord Goderich the letter above mentioned, the circumstances in which I had been placed were totally altered. Instead of the grounds which you expressly assigned, when that measure was adopted, Viscount Goderich, who had censured you in terms of severity for the insufficiency of these grounds, and afterwards most preposterously confirmed the same measure, upon a new set of grounds, had sought, in Lord Howick's letter of the 10th November, 1832, to justify your conduct, by *ex post facto* motives, derived through Mr. Viger, a person capable of making any assertion, however devoid of truth. It was in repelling this attempt of Lord Goderich, thus to bolster up a measure which he had previously disapproved and censured, by alleging motives for it that had never entered into the minds of the Assembly, or yourself, that I naturally adverted to the delicacy I had observed, as contrasted with this conduct of his Lordship. I had abstained from canvassing your motives, and had confined myself to your assigned reasons; but, when it was sought to justify you by the invention and allegation of new calumnious charges against me, how could I refrain from intimating the opinion I had always entertained, that your real motives were different from those alleged? This opinion, resting on presumptive evidence, satisfactory to my mind, I now distinctly avow. I do believe that your real motive for suspending me was a desire to secure for yourself the favour and support of a few leading demagogues in the House of Assembly, whom you knew to be most anxious for my destruction; and, in fulfilment of this motive, you were willing to sacrifice me, to gratify their malignity, by suspending me, on grounds which you knew to be insufficient. This continues to be my deliberate opinion, and I hold myself responsible for it, in any and every form.

Having thus disposed of the subject of your letter, your Lordship will permit me to solicit your attention, to a matter connected with the proceedings of the Assembly, as to which cause for explanation, from your Lordship, has been afforded to me. I advert to the petition of Mr. Lampson, presented to your Lordship, on the 21st December, 1830, in which, unfounded imputations and insinuations, injurious to my character, are contained. In a letter from me to Lieutenant Colonel Glegg, of the 30th December, 1830, having relation to this petition, I express a desire to be made acquainted with any charge or imputation, affecting my character, that might have been conveyed, in this form, and solicit an investigation of it. In your Lordship's answer, transmitted through Lieutenant Colonel Glegg, dated the same day, your Lordship assures me, that no insinuation affecting my character had reached you. It is, nevertheless, a matter of fact, that the petition now referred to did contain false imputations and insinuations prejudicial to my character; and it is also true, that your Lordship subsequently communicated this petition to the House of Assembly, by which it was made a ground of false accusation against me, and even transmitted a copy of it to His Majesty's Secretary of State for the Colonies, without ever having made me acquainted with its contents. Upon these facts, I am justified in requesting from your Lordship, an explanation of the circumstances which induced you to assert, while you were in possession of this petition, that no insinuation, affecting my character, had reached you, and also led you to withhold, from me, the knowledge of the contents of this petition, although you communicated it to the House of Assembly, to be made a ground of accusation by that body, and subsequently transmitted it to the Secretary of State, as a part of the evidence, in support of their accusation.

I am, my Lord,
Your obedient servant,
(Signed) J. STUART.

To His Excellency Lord Aylmer.

No. XXIII.

Letter from His Excellency LORD AYLMER to JAMES STUART, Esquire, dated 29th November, 1834.

Quebec, 29th November, 1834.

SIR,—I have received your letter of the 21st instant, in answer to mine, addressed to you, on the 14th of December, 1833. What measures it may be necessary and proper, that I should adopt, in protecting my character, assailed by you, in its very foundation, must remain for my consideration hereafter.

In the meantime, I think it necessary to signify to you, that I decline entering into any explanation (as desired by you in your letter of the 21st instant) in relation to the petition of Mr. Lampson, or in relation to any other matter, connected with my administration of the Government of this Province.

I am, Sir,
Your most obedient servant,
(Signed) AYLMER.

To James Stuart, Esquire.

No. XXIV.

Letter from JAMES STUART, Esquire, to His Excellency LORD AYLMER, dated 30th November, 1834.

Quebec, 30th November, 1834.

MY LORD,—I have to acknowledge the receipt of your Lordship's letter of the 29th instant. On that part of it which relates to the supposed cause of offence afforded by me, I will only remark, that it is to be presumed that your Lordship's protracted reflections will ultimately conduct you to that recourse which usage has sanctioned in such cases. On the subject respecting which some explanation has been requested by me, I cannot but express surprise that your Lordship should decline compliance with a request, in itself so reasonable and proper, involving also, as it does, your Lordship's personal veracity and honour. The facts stated in my letter of the 21st November, verified by public documents, establish, that an untrue assertion was made by your Lordship, injurious to me in its consequences, and followed by acts of your Lordship, inconsistent with fair dealing towards me, as a public officer. On this head I requested explanation;—you refuse it. Under these circumstances, there can, I apprehend, be but one inference, drawn from your Lordship's refusal, which it is unnecessary for me to specify. When your Lordship shall have descended from that eminence you now occupy, and become subject to the responsibilities acknowledged in civilized society, I shall deem it necessary to call your attention again to this matter, and should hope with better success.

I am, my Lord,
Your obedient servant,
(Signed) J. STUART.

To His Excellency Lord Aylmer.

Copy of a Letter from JAMES STUART, Esquire, to His Excellency LORD AYLMER, dated 4th May, 1835.

Quebec, 4th May, 1835.

MY LORD,—Since my return from England, my attention has been so much engaged, in repairing the injuries sustained, in my professional and private concerns, by a long absence, that the circumstance to which I am about to allude had escaped my observation. It is only within a few days past, that, having occasion to consult, for some information, the Quebec Almanack, printed by Neilson & Cowan, I find that my name is omitted in the list of the members of the Executive Council for this province. It was not at my solicitation, but in compliance with the pressing desire of one of your Lordship's predecessors in office, that I occupied a seat as honorary member in the Executive Council; and, since the administration of the Provincial Government was assumed by your Lordship, a renewal of my appointment has been made, under a *mandamus* of His present Majesty, of which your Lordship is in possession. As the omission of my name, without an explanation of the cause of it, might occasion inferences injurious to my character, it is necessary I should trouble your Lordship, on this subject, by requesting to be informed, whether my name has been omitted in the list referred to, by direction, or under the authority of your Lordship—and if so, to be favoured with the reasons for the omission.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble servant,

J. STUART.

His Excellency Lord Aylmer, &c. &c.

No. XXVI.

Copy of a Letter from Lieutenant Colonel CRAIG, Secretary to His Excellency LORD AYLMER, to JAMES STUART, Esquire, dated 4th May, 1835.

Castle of St. Lewis, Quebec, 4th May, 1835.

SIR.—I have been directed by the Governor in Chief to inform you, in answer to your letter of this date, addressed to His Excellency, that he has neither directed nor authorized the omission of your name, in the list of the members of the Executive Council for this province, in the Quebec Almanac, published by Neilson & Cowan. His Excellency, moreover, is unacquainted with the cause of that omission.

I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed)

H. CRAIG,

CIVIL SECRETARY.

The Hon. James Stuart, Esquire, &c. &c.

No. XXVII.

Copy of a Letter from JAMES STUART, Esquire, to Messrs. NEILSON & COWAN, dated 11th May, 1835.

Quebec, 11th May, 1835.

GENTLEMEN,—Having only recently, since my return from England, had occasion to refer, for some information, to the "Quebec Almanack," published by you, I have observed, that, in the list of His Majesty's Executive Council for this province, contained in that publication, my name is omitted. Being unaware of any cause for this omission, I have to request you will do me the favour to inform me, under what authority it has taken place.

I am, Gentlemen,

Your obedient servant,

(Signed)

J. STUART.

To Messrs. Neilson & Cowan.

No. XXVIII.

Copy of a Letter from Messrs. NEILSON & COWAN to JAMES STUART, Esquire, dated 11th May, 1835.

Quebec, 11th May, 1835.

SIR,—We beg leave to acknowledge the receipt of your letter, this morning, requesting to be informed under what authority your name is omitted in the Quebec Almanack. We find that it was erased in the autumn of 1832. The lists in that publication have never been official, as is especially stated in the introductory note to the Civil List, page 41. In making up these lists, we are always guided by such information as can be obtained on application to public officers; but we do not pretend to vouch for their correctness, as we have not the means of giving to them an official character.

We are, Sir,

Your very obedient servants,

(Signed)

NEILSON & COWAN.

Hon. James Stuart.

No. XXIX.

Copy of a Letter from JAMES STUART, Esquire, to His Excellency LORD AYLMER, dated 17th June, 1835.

Quebec, June 17, 1835.

MY LORD,—Having been subjected, by Viscount Goderich, to the singular injury, resulting from a condemnation on frivolous and unfounded charges, originating with his Lordship, not previously communicated to me, in a country distant three thousand miles from that in which the alleged facts were supposed to have occurred, I have had no opportunity till my return to this province, to have recourse to official sources, on the subject of his Lordship's charges. There is one of these charges, as to which I am justified in referring to your Lordship for some explanation, which I have hitherto omitted to solicit, as there has been no immediate occasion for it; but which it is expedient I should obtain, while your Lordship continues to be invested with the government of this province.

The charge of Lord Goderich, now referred to, relates to the issuing of new commissions on occasion of the demise of His late Majesty George the Fourth; and, on this his Lordship states, "That it being my duty to advise the Government, I permitted and encouraged the issue of new commissions to Notaries as necessary, inducing the Government, as well as the public, to believe that such was the case."

Without adverting to the error, under which Viscount Goderich appears to have laboured, in supposing the issue of new commissions to Notaries not to have been necessary, and that the act of issuing them, has been sufficient for my purpose to controvert the facts stated in his Lordship's charge, which are totally without foundation. These facts, if they had occurred, must be within your Lordship's knowledge. I am warranted, therefore, in respectfully requesting to be informed by your Lordship, whether there be any fact within your Lordship's knowledge, evincing that I encouraged the issue of new commissions to Notaries as necessary, or that I induced the Government, as well as the public, to believe that such was the case.

I have the honour to be, my Lord,

Your Lordship's obedient humble servant,

J. STUART.

To His Excellency Lord Aylmer, &c. &c.

No. XXX.

*Copy of a Letter from Lieutenant Colonel CRAIG, Secretary to His Excellency LORD AYLMER, to J. STUART, Esquire, dated 20th June, 1835.**Cattle of St. Louis, Quebec, 20th June, 1835.*

SIR,—I have been directed by the Governor in Chief to acknowledge the receipt, on the 18th instant, of your letter dated the 17th instant, addressed to him, in which you request to be informed whether there be any fact within his Lordship's knowledge, evincing that you encouraged the issue of new commissions to Notaries as necessary, or that you induced the Government, as well as the public, to believe that such was the case.

The Governor in Chief has directed me to acquaint you, in answer, that he has no recollection of any fact calculated to create such an impression on his mind.

The issue of new commissions to public officers in the province generally, in the year 1830, in consequence of the demise of the Crown was founded on a minute of the Executive Council, at whose meetings in relation to that subject it appears you were present.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed)

H. CRAIG,
CIVIL SECRETARY.

No. XXXI.

*Copy of a Letter from JAMES STUART, Esquire, to DOMINICK DALY, Esquire, Secretary of the Province of Lower Canada.**Quebec, 17th June, 1835.*

SIR,—It has been my intention, since my return to this country, from England, to obtain from the Officers of His Majesty's Provincial Government, who were principally concerned in the issues of new commissions on the occasion of the demise of His late Majesty George IV., some explanation, on the subject of a charge made against me, on this head, by Viscount Goderich, while he was Secretary of State for the Colonies. I have hitherto delayed soliciting this explanation, as there was no immediate occasion for it; but I am induced no longer to postpone this step, as it is expedient that the desired explanation should be obtained while the present Governor in Chief continues in office.

In the charge of Lord Goderich, which is now referred to, his Lordship states, "That it being my duty to advise the Government, I permitted and encouraged the issue of new commissions to Notaries, as necessary, inducing the Government, as well as the public, to believe that such was the case."

Without adverting to the error, under which Viscount Goderich appears to have laboured, in supposing the issue of new commissions to Notaries, not to have been necessary, and that the act of issuing them, therefore, was culpable, it has been sufficient for my purpose to controvert the facts stated in his Lordship's charge, which are totally without foundation. These facts, if they had occurred, must have been within your knowledge, inasmuch as no communication was had by me, with any other officer of the Provincial Government, except yourself, in relation to the issuing of new commissions, on the occasion in question. As an act of justice due to me in the peculiar position in which I have been placed, I feel myself warranted, therefore, in addressing myself to your honour and candour, to be informed whether, in any communication had with you, or in any other manner, within your knowledge, anything was said or done by me, tending to encourage the issuing of new commissions to Notaries, as being necessary, or tending to induce a belief in His Majesty's Government, or in the public, that such necessity existed.

In your examination before a Committee of the Assembly of Lower Canada, in 1831, with respect to the issuing of the new commissions of Attorneys and Notaries, you were asked, with reference to the printing of these commissions, "who induced you to print a set of these commissions?"—and, in answer to this question, you stated, "The Attorney General informed me that it was absolutely necessary to be enabled to furnish new commissions to all persons applying, with the least possible delay." From the manner in which the fact of the printing of the commissions is here mentioned, it might be inferred, that there was an officious interference, on my part, in suggesting the expediency of printing blank commissions. You will, I am persuaded, recollect, that the printing of the commissions originated in an anxious and praiseworthy desire, on your part, to be able to supply such commissions as might be called for, within the very short time allotted for this purpose—that you consulted me as to the legality and fitness of using printed commissions on the occasion—and that it was in answer to your enquiries on this head, that I expressed myself as I stated in your examination.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed)

J. STUART.

No. XXXII.

*Copy of a Letter from DOMINICK DALY, Esquire, to JAMES STUART, Esquire, dated 20th June, 1835.**Quebec, 20th June, 1835.*

SIR,—I yesterday received your letter of the 17th instant, wherein you state, that you are desirous of having some explanation from me on the subject of a charge made against you by Viscount Goderich, while he was Secretary of State for the Colonies, relating to the issuing of new commissions to Notaries, on the demise of His late Majesty George the Fourth, and in furtherance of that object, you wish to be informed by me, "whether, in any communication had with me, or in any other manner, within my knowledge, anything was said or done by you, tending to encourage the issuing of new commissions to Notaries, as being necessary, or tending to induce a belief in His Majesty's Government, or in the public, that such necessity existed."

Having perused my examination before a Committee of the House of Assembly in 1831, I find that it conveys all the facts of which I have any knowledge, in relation to the issuing of new commissions, on the demise of His late Majesty; and I have only to add, that I am unacquainted with any thing having been said or done by you, tending to encourage the issuing of new commissions to Notaries, as being necessary, or to induce a belief in His Majesty's Government, or in the public, that such necessity existed.

With reference to the question and answer, which you quote from my examination in regard to printing blank commissions, I can only assure you that I had no intention of subjecting you to an inference that you had officiously interfered in the matter. So long a time has elapsed, that I cannot distinctly call to mind, whether the proposals to print commissions originated with you, or with me, nor did it at any time occur to me that it could have been of the slightest consequence, the necessity for the aid of printing having arisen in the opinion you clearly expressed to me, that it was my duty to be prepared to issue the new commissions to all persons applying, and it was manifest that I could not otherwise be so prepared.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed)

D. DALY.

The Hon. James Stuart, Esquire.

20th June, 1835.

June, 1835.

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CRAIG,
SECRETARY.

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June, 1835.

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D. DALY.